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THE
T R I A L
OF
CAPTAIN JOHN KIMBER,
FOR THE
SUPPOSED MURDER OF AN AFRICAN GIRL,
AT THE
ADMIRALTY SESSIONS,
BEFORE THE HON. SIR JAMES MARRIOTT, KNT.
(JUDGE ADVOCATE)
AND
SIR WILLIAM ASHURST, KNT. &c.
ON THURSDAY, JUNE 7, 1792.

Of which he was most honorably acquitted, and the Two Evidences
for the Prosecution committed to Newgate to take their
Trials for Wilful and Corrupt Perjury.

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THE
TRIAL

OF

CAPTAIN JOHN KILBURN

FOR THE

ALLEGED MURDER OF AN AFRICAN GIRL

AT THE

ADMIRALTY COURT

BEFORE THE HON. MR. JUSTICE WILKES

ON THE 11th OF FEBRUARY 1851

AND

THE VERDICT OF THE COURT

46

1. A.

118.



A D D R E S S .

IN vindication of innocence, we have published this trial in the exact manner in which it was held. It is not lengthened to answer one party—nor abridged for the other. The public will now judge for themselves, if they are to depend on unfounded DECLAMATION, which, to serve particular purposes, under the specious pretence of HUMANITY, act with oppression.

By exercising their own judgment they will see, on what principle CAPTAIN KIMBER (who was so honourably acquitted) was brought to his trial.

We were pleased to see his Royal Highness the DUKE of CLARENCE present, as he is looked up to as the support of the British seamen; his anxiety on this occasion therefore, did him honor—and his occasionally explaining the nautical terms made use of in the trial, credit his professional knowledge—and equally did his humanity appear, as the beam of benevolence shone in his eye, when the word NOT GUILTY was pronounced by that sacred deposit of the subjects liberty,

A BRITISH JURY.

A D D R E S S

In vindication of innocence, we have put
I lifted this veil in the exact manner in
which it was held. It is not pretended to
put for one party—not admitted for the other.
The public will now judge of the motives.
They are to be found in unobscured places.
I am, which is never repeated, and so
for the (peculiar) instance of necessity, and
with opposition.

By exercising their own judgment, they will
see, on what principle, a certain number
(who was so honestly satisfied) was
brought to his trial.

We were present to the trial of Mr. H. and
the Duke of Clarence's promise as he
looked up to as the support of the British
Government; his anxiety on this occasion there-
fore, did him honor—and his conduct in
playing the neutral role a mark of his
trial, credit his rational mind, and
equally did his humanity appear in the
of his conduct there in the trial, which
was not only a mark of his humanity, but
of his humanity.

A. M. 1811. June 1.

THE
T R I A L
- OF -
CAPTAIN JOHN KIMBER.

LIST OF THE JURY.

JOHN WILLS
WILLIAM HALLIER
ONESIMUS USTONSON
WILLIAM LYNES
CHARLES LINCOLN
JOSEPH ROSE

JOSEPH ALDRIDGE
THOMAS DENNIS
THOMAS LOVELAND
RICHARD POTTER
WILLIAM KNIGHT
SAMUEL DURHAM

Council for the Prosecution.

SIR WILLIAM SCOTT
MR. ATTORNEY GENERAL
MR. SOLICITOR GENERAL
DR. BATTINE
MR. WOOD
The HON. MR. BRODERICK

Council for the Prisoner.

MR. PIGOT
MR. COMMON, SERJEANT
MR. MORGAN
MR. KNOWLYS

CAPTAIN JOHN KIMBER was indicted, for that he, on September 22d, in the 31st year of his Majesty's reign, being in and on board a certain merchant ship, called **THE RECOVERY**, belonging to certain subjects

B

of

of our Lord the King, unknown, on the High Seas, within the jurisdiction of the Admiralty of England, and within 200 leagues of Grenada, on a certain negro girl, feloniously, wilfully, and maliciously did make an assault, and with a whip which he held in his right hand, in and upon the back, sides, and other parts of the body of the said negro girl, feloniously, wilfully and maliciously did strike and beat. And the said John Kimber, the said negro girl feloniously, wilfully, and maliciously did tie and fasten, and then and there, on board the said ship, by means of a tackle, the said negro girl feloniously, wilfully, and maliciously did raise, hang up, and suspend the body of the said negro girl. And the said John Kimber feloniously, wilfully, and maliciously, with the said whip, did again beat and strike the said negro girl while so suspended, and the legs of her did feloniously pull and stretch; and the said negro girl, as well by the repeated striking of her, as by tying and fastening her, and by raising and suspending her, several mortal wounds and bruises did receive on the back, sides, arms, legs, and other parts of her body, of which said mortal wounds and
bruises

bruises she languished from the 22d to the 27th of September, and then died. And the indictment charged, that by these mortal wounds and bruises, the said negro girl, the prisoner feloniously, wilfully, and of his malice aforethought, did kill and murder.

SIR WILLIAM ROBERTS, of the Court of the Queen's Bench, addressed the gentleman sitting in the Court, and said, "The prisoner stands indicted for the crime of murder, and it is my duty to state to you the facts which were introduced to establish the evidence. The prisoner was captain of a ship belonging to Bristol, called The Recovery, which ship is now at anchor to the east of Africa for the purpose of procuring slaves, and arrived at the river of Ojibar some time in the month of June. The prisoner having completed his cargo of slaves sailed from the river in the beginning of September following. In this cargo there was a negro girl about 12 or 13 years of age. She was affected with a tetanic complaint, and

B

SIR

SIR WILLIAM SCOTT, on the part of the prosecution, addressed the gentlemen of the jury in these words:

“ Gentlemen of the Jury,

“ The prisoner stands indicted for the crime of murder, and it is my duty to state to you the facts which we are instructed to say will be established in evidence. The prisoner was captain of a ship belonging to Bristol, called *The Recovery*, which ship, in 1791, was sent to the coast of Africa for the purpose of procuring slaves, and arrived at the river of Calabar some time in the month of June. The prisoner having completed his cargo of slaves, sailed from the river in the beginning of September following. In this cargo there was a negro girl about 14 or 15 years of age. She was affected with a lethargic complaint,

and

and with a *gonorrhœa*. This complaint prevented her from eating her victuals so heartily as the other slaves. The prisoner, in consequence of this, frequently flogged her with a thonged whip; and most of the other females refusing to eat with her, on account of the venereal disease, she was much affected and fell away in flesh. Notwithstanding the situation of this young woman, about six days before her death he flogged her very severely; and she was ordered first to be fastened and suspended by one hand, and then by another, and then a boy was ordered to pull her legs by a sudden jerk, which was accordingly done.

“ The prisoner then ordered her to be suspended by one leg, and then by the other, and during the time she was so suspended he flogged her. She was then sent among the women. The next morning she was convulsed, and remained in that state for three days and then died.

“ I shall establish ~~these facts~~ by two witnesses, the surgeon and the third mate of the ship. I think it my duty to state to you, that we are aware of a circumstance which will probably be brought before you, which is to

affect the credit of the surgeon of the ship; namely, that he had on some other occasion given a different representation of this matter. It will be for him to state and explain his conduct in that particular, as well as for you to judge how far that explanation is satisfactory.

“ Gentlemen, this is the general outline of the facts which compose this case. I have omitted entering into any more particular detail, because I conceive that detail will come with more satisfaction to your minds from the mouths of the witnesses. I have likewise omitted making any observations, conceiving it to be the province of this learned Court to suggest those observations, as it will be your duty, under that direction, to draw the proper inference. You will hear the fact, therefore disclosed by the witnesses. On those facts, and on them only, you will form your judgment, and I have no doubt but your verdict will be that which the substantial justice of the case requires.”

THOMAS DOWLING Sworn.

Examined by Mr. ATTORNEY GENERAL.

WAS you engaged on board the Recovery in the year 1791?—I was.

In what capacity was you engaged on board the ship?—As a surgeon.

When did you enter first on board the ship as surgeon?—I suppose I shall have the liberty to look at original notes that I have in my pocket?

Were those notes made at the time?—They were.

Examined by Mr. PIGOT.

What do you mean as to the time that you went on board the Recovery?—I have got the day down.

Stop there, put it by, and have the authority of the court to refer to it.

I think I shall be more particular by referring to the very notes taken at the very time.

Do you mean to say you do not know when you engaged on board the Recovery without the assistance of notes?—I cannot say but I should

should be more particular by looking at my notes.

Cross-examined by Mr. ATTORNEY
GENERAL.

Put up those notes.—Shall I not be allowed to look at original notes?—That is as it may happen.

You was on board in the month of April?—
I was.

Where did you sail to?—To Calabar, on the coast of Africa.

At what time did you arrive there?—The beginning of June, in the year 1791, as well as I can recollect.

Was the prisoner the commander of that ship?—He was.

Did you take in a cargo of slaves at Calabar?—We did.

About what time had you completed the taking in of that cargo?—I believe about the latter end of August.

Had you under your care at any time in your passage to the West-Indies a negro girl, who composed part of the cargo?—I had.

What

What was the apparent age of that girl?—She was about fourteen or fifteen, as we were told by the slave man who purchased her.

What was her state of health at the time she was put under your care?—When first she came on board, she was affected with a gonorrhoea, or clap, a lethargy or drowsy complaint.

Of what nature was this drowsy complaint that you speak of?—I can give no further answer than that it was a drowsy complaint; she was a young girl of fourteen or fifteen, and the real cause of the drowsy complaint I never could learn.

Were both those complaints in any considerable degree, or were they both slight?—The gonorrhoea appeared to be a very severe one.

Was she, or was she not, in a convalescent state under your care and management?—I cannot say that she was in a convalescent state, she was in a diseased state during the time. She was not getting better, her complaints seemed stationary from the time of her coming on board, 'till she died; I cannot particularly say the time she came on board us in Calaba river

river, but she died, to the best of my recollection, about a month before we sailed from Calabar.

Did you observe any thing particular in the treatment she received from the prisoner?—Yes, I did.

Describe it?—He then flogged her when she was suspended.

Each time, or once or twice?—The last time, while she was suspended by both hands, she was flogged by Captain Kimber with this whip; I cannot state the time when this passed, it was about three weeks after our sailing, and he flogged her for three or four days.

But speak to this particular transaction?—I believe we sailed about the first of September; if you will give me leave to refer to my original notes I can tell better.

Three weeks after your sailing must be the latter end of September?—Yes.

Did you observe any thing else?—He flogged her frequently previous to that.

What became of her after this?—She walked down to the ladder; walked down two or three

three steps, and slid down the rest, unable to walk.

Who was this boy, that was employed by the prisoner in the manner you have represented?—Why, to the best of my knowledge and recollection, the boy that brought the tackle, was a boy of the name of Evans; and which of the boys it was; there was another boy present, indeed there were two boys particularly stationed to take care of the women; I attended every slave on board the ship, and her among the rest.

What appearance did you observe on her body?—She was welked in several parts of her body.

In what state were her arms and legs?—Marks of a whip in several parts; her hands, from being suspended so long, became swelled, as I imagine from the circulation being obstructed and stopped.

Did you observe any thing remarkable with respect to her legs?—Her legs, where she had received the strokes were, as I said before, welked.

Did you observe any thing from the suspension?—No, not in the legs, I never did.

Was there any other ill-treatment but that?
No, except the provisions.

That is nothing to the purpose; now describe her condition after this whipping?—That night she went down with the other slaves, and the next morning she was found convulsed.

Did you find her convulsed?—I did not; she was found convulsed.

Tell me what you saw yourself?—I saw her convulsed; I descended the ladder, and saw her convulsed; I then had her brought upon deck, and rubbed her temples and nose with volatile spirits, I rubbed her back, but in vain; I gave her a few drops of volatile spirits diluted in water, and could not get her to swallow them; she continued in this state for three days, without taking any sustenance, and died on the fourth day.

Are you enabled to say, from what you observed, and from your experience in your profession, what the cause of her death was?—Yes, sir; it is my opinion, as her complaint remained stationary in consequence of the complaint, she was rather emaciated; but I think, and confidently believe the convulsions
were

were occasioned by the floggings, and that her death was occasioned by the convulsions.

Mr. PIGOTT.

Now Mr. Dowling, have you been always of the opinion you have just now delivered?—
I always have.

Always have?—Always have.

At what time did this remarkable fact, that you have been stating, happen?—A little before death.

In what month, and as nearly as you can, on what day of the month?—I cannot tell the day of the month it happened, as I imagine in September.

Then I understand you now to say upon your oath, that from the time of her death, to this moment, you always have been of opinion that her death was owing to what you have now stated, supposing it to have happened?—
Confidently.

That has always been then your undeviating opinion?—My undeviating opinion.

Pray sir, I take it for granted then, that this must have occasioned on board the ship, a great deal of attention, discussion, and ob-

servation upon it?—No, sir, such things are customary on board slave ships.

I ask you after a fact, and not what is customary on board slave ships, and therefore if you will be so good to take that lesson, and cease your flippancy, it will be better for you. Now sir, you say this was the subject of no altercation or conversation among the officers and the ship's crew?

Answer my question—It is impossible for me to answer the question, 'till I give you an idea how the officers of that ship were divided and where their duty was.

Hold your tongue, and answer my question?—You will not give me leave to answer. I cannot give you the number, but I have been told that both mariners and seamen belonging to the Recovery have been in keeping ever since Captain Kimber has been in custody.

Can you say how many, ten, twelve, or fourteen?—I cannot say, I have been informed how many there were—

Will you now condescend to answer my question?—I shall give as plain a relation as I can to every fact.

How

How many of the crew, have you reason to believe, are now in England?—I shall relate every thing against myself, as well as against Captain Kimber; every fact that I know, that will tend to subvert my own evidence, as much as I would against Captain Kimber.

How many of the officers and crew of that ship, have you reason to believe, are now in this country?—Why, Sir, I have seen some of the officers since I came into court. I have never seen one of them since I left Bristol.

How many of them, have you reason to believe, are here? (Question by the Court) Do you believe the fact to be true?—I do; at least I so far believe it, that I have been told it as a common occurrence.

Cross examined by Mr. PIGOT.

Did you ever hear any one of the rest of the crew converse in the manner you have stated, about this fact you have related to-day?—No, I CANNOT say that I have.

Then who are the men (Pearson and Crews are boys and absent) whom you have heard converse about this transaction in the way you state?—I have made answer to that question before; I never heard ANY of the crew.

It was the subject of conversation between ME and Mr. *Devereux*.

And between no body else?—It was; I have heard the men frequently speak about it.

Frequently speak, then, about the murder of this slave?—About the murder of that slave.

By Captain Kimber, in the manner you have stated?—Yes.

Now, among which of the men, besides *Devereux* and you?—I have heard the boy *Pearson* and the boy *Crews* speak of it frequently, and make their remarks upon it: these two boys were stationed to take care of the women; it came particularly under the inspection of these two boys.

I am not asking you about inspection; what number of sailors were there on board?—About twenty-six, I believe, to the best of my recollection.

What time of day did this fact happen, that you relate?—It happened in the forenoon.

About what hour?—In the forenoon, I cannot be sure.

You never heard it then, I understand, a subject of conversation among the *rest* of the crew,

crew, EXCEPT Pearson and Crews?—No, Sir, I cannot say that I particularly have.

Now Pearson and Crews are absent?—I do not know.

Upon your oath you do not know that they are absent?—Upon my oath, I do not know that they are absent. I do not know,—I have no reason to believe—

You have never heard that they were absent?—I have *heard* that they were ABSENT, but I cannot say that they were.

How many of the officers and mariners of this ship, have you reason to believe, are now present in this country, Devereux and yourself excepted? Why, Sir, I have been told that the officers and mariners, ever since Captain Kimber—

Answer my question, once again I ask you? When I speak of men relative to a ship, I call every man that is entered or bears wages in the ship, I call them men.

You never heard one of them make, this fact, which happened at *noon* day in the forenoon, the SUBJECT of any *conversation* whatever; you never did?—No, Sir, I have not.

Recollect yourself?—No, Sir, I have not.

When

When did you arrive at Grenada?—We arrived at Grenada sometime in October; the latter part of October.

Consequently, after the death of this girl?—After the death of this girl.

At Grenada you disclosed it then, did you?—Disclosed the relation of this; no, Sir, I did not.

Did you not?—No, Sir.

Not at Grenada?—No, Sir, no otherwise than I had mentioned it before.

How long were you there?—I cannot say, the 28th of October, I think. We sold our slaves at Grenada; we arrived there on the twenty-eighth of October.

When did you sail from Grenada?—I do not exactly recollect.

You never disclosed this fact to any body?—No; never.

Did you ever go to the custom-house?—I did.

Now, Mr. Dowling, you know there is an act of parliament which requires your keeping a journal?—Yes.

Did

Did you deliver your journal at Grenada?—
I delivered a journal of the white people;
I could not of the black.

Did you swear to it?—The *form of an oath*
was administered; I returned the book; I
could not swear to the journal of the black
people on board.

(Mr. PIGOT read the Affidavit as follows:)

*I Thomas Dowling, Surgeon of the Ship Reco-
very, do swear, that the above is a just and true
journal.*

Signed Thomas Dowling.

Is that your signature?—The journal is
signed by me at the top; my name is to the
commencement of this journal; but I do not
think this is my writing at bottom; I do not
recollect whether I signed the affidavit or not.

Do you believe that paper in your hand to
be false?—It is not my hand writing.

Is your bond discharged?—I produced this
journal at the custom-house when I came
home.

The fact does not appear in your journal?—
No, it does not.

D

So

— So, at Grenada, your apprehensions for your own safety would prevent you from disclosing a barbarous murder?—Certainly.

When did you arrive at Bristol?—About Christmas.

Now, as Grenada is so *diabolical* a place, I presume you were under no apprehensions for your safety when you arrived at Bristol?—No.

At Callabar you mutined.—What do you mean by that?

You may answer it, or leave it alone. In the river Callabar, did you, or did you *not* mutiny?—Never.

Did you not strike the captain on board the ship?—I did.

You collared the captain?—I did; he struck me first; the captain sung out for the carpenter, he came; I had accused the carpenter the day before of stealing six shirts; I was put in irons, and kept twenty-four hours.

Do you know Mr. Jacks?—I do.

You told him you would be revenged of Captain Kimber, and that you would work his ruin?

ruin?—No, sir, I never made a declaration of the kind; no man of character can.

Upon your oath, did you not tell Mr. Jacks you would be revenged of Captain Kimber, and that you would work his ruin?—No, sir, never.

You never said the same thing to any body else?—No, never; I said I would advertise him for not paying me my wages.

Do you know Mr. Laugher of Birmingham?—I do.

Did you tell him you would be revenged of Captain Kimber?—No, never.

Did not you complain to Mr. Jacks of Captain Kimber?—Yes.

Did not you mention the murder to Mr. Jacks?—No.

When you were examined before the magistrate, did you give any further account of this murder?—No, sir.

Did not you swear to your journal?—I never swore to that journal.

Are you sure that Captain Kimber, who knew that you had a knowledge of this *barbarous murder*, refused to pay you half your wages?—He did.

Do you know Mr. Billingsby Riddle?—
I do not recollect any such man?

Did you know the surgeon, Mr. Phillips?—
Yes; I told him I should bring an action
against Captain Kimber.

Have you seen Mr. Riddle since you ar-
rived?—I have not.

Did you tell Phillips you would be re-
venged of Kimber?—I never did.

Did you never say so to the boy, Barfoot?
No.

Nor to the Cooper?—No.

The girl who died had a certain disorder?
She had a Gonorrhœa; a clap.

Did you ever give her any mercury?—No,
sir.

Who were present at the suspensions?—
Mr. Devereux, the captain, two boys and
myself.

By whose advice were these suspensions
performed?—Not by mine.

It was done by way of punishment?—I can-
not pretend to say that it was intended as
punishment; but that it was punishment was
obvious to all who saw her; she was sus-
pended in the whole about half an hour;
she

she was suspended in the different attitudes I have described; I do not know the motive which induced Captain Kimber to inflict this punishment.

Was there no previous conversation between you and Captain Kimber?—There was no previous conversation between me and Captain Kimber.

What was the cause of suspension?—The girl would not get up to dance with the other girls and women, which I suppose to be the cause of suspension.

This girl was lethargic?—She was drowsy.

Was she not very languid?—Yes, she was debilitated.

How long had she been on board?—I cannot say.

Did she not come on board with that disorder on her?—She did, it was perceived a few days after her coming on board.

Having that complaint, and you not having given her any mercury, she remained in a stationary way?—Nearly so, she seemed to get neither better or worse.

What

What did you do for her?—I gave her injections, and some nitre and gum arabic.

This suspension was on deck?—It was on the awning deck.

This is your prosecution?—No, sir, it is not.

Your disclosure of this EXTRAORDINARY MURDER was casual?—It was I who communicated it to Mr. WILBERFORCE the day before his *speech* in the HOUSE OF COMMONS; she was tied up to the mizen stay; she was suspended by a tackle; I do not recollect any body but myself, Captain Kimber, Devereux, and the two boys seeing her tied up.

Did you entertain any apprehensions for your own safety after your arrival at Bristol, till you disclosed this NOTABLE MURDER?—No, I was under no apprehensions after I left Bristol.

Did you disclose any thing to Mr. WILBERFORCE?—I told Mr. WILBERFORCE the plain and open truth.

Was there not a girl bought of Jackamacree, who was in the same state as the girl we have been talking of?—I do not know.

Was

Was there not a girl of the name of Venus?
There was.

Was she not in the same state?—Not that
I know of.

Mr. ATTORNEY GENERAL.

Be so good as to describe the situation and
construction of this ship's awning deck?—
There is a barricado of about seven feet
high.

Did this barricado prevent people from
seeing what passed?—Yes, it did.

What was the first occasion of your dis-
closing this transaction, and to whom?—To
Mr. Lloyd, of Birmingham; I was sent for
to London, it was not my intention of be-
coming the prosecutor, or of giving evidence
against Captain Kimber.

You have said, that a form of an oath was
read to you at Grenada, but that you did not
swear it?—He read to me the form of an
oath, and gave me the book, which I gave
him back again; I declined taking the oath;
I did not kiss the book.

Who did you go to?—I went first to the
officer, to request a form; I produced a jour-
nal;

nal ; he sat down at a desk, and read the form of an oath.

Was the officer aware that you did not take the oath ?—I believe he was not.

Was the disorders of that young woman dangerous, or could they be the occasion of her death ?—I believe not.

STEPHEN DEVEREUX Sworn.

EXAMINED BY

Sir JOHN SCOTT.

What ship did you sail in to Africa ?—I sailed from England in the Wasp ; when we arrived in Callabar river, I changed my ship, and went on board the Recovery, Captain Kimber.

Did the Recovery sail from Callabar on the first of September ?—I think it was on the first of September.

Will you state to the court and jury, any occurrence that happened to a negro girl on the passage ?—She had a bent knee, the captain clapped his hand on her knee, and endeavoured to straighten it, and flogged her.

How long had you been on board before he flogged her ?—I had been on board about a fortnight.

Did you ever see him flog her?—I have; I saw the girl run up, by a gun tackle, by one arm.

How was this gun tackle fastened?—It was fastened by a small block to the mizen stay, and the other end to her wrist; Pearson was the boy who was standing by.

What time of the day?—Morning.

How long was she suspended?—About five minutes.

When she was let down she was hoisted up by the other arm?—Yes, and the boy was ordered to pull her leg, to make it straight, as I understand.

After she was let down a second time, was there any thing else done?—Yes, after that she was hoisted up by the leg for the space of four or five minutes.

After she was let down a third time, what was done?—She was hoisted up by the other leg.

How long do you imagine she was hoisted up the fourth time?—four or five minutes.

What became of her afterwards?—She staid upon deck some time; she sat upon deck

E

With

with her head inclined downwards, towards her knees.

Did any thing else happen while she was upon deck?---The captain put his hand upon her knees, and I am *almost* certain he gave her a *slap* on the face, and said the bitch is sulky.

Do you think it was done by way of punishment?---Yes.

When she was hoisted up the fifth time what was done?---Her legs were on the deck, Captain Kimber flogged her; he endeavoured to straighten her leg, and desired Pearson to jerk the tackle.

Did you see her go down below after this? I did, I asked the Captain whether I should help her down; he said the bitch is sulky, she may find her own way.

When she went down, had she any help, or none?---None, she went down a step or two, and slid the rest of the way; she came upon her feet, and I do not think she was hurt by it; next day I lent a hand to bring her out of the hatch way, and place her upon deck, she appeared very *foul* and weak.

How long did she stay upon deck the day after

after the suspension?—I don't immediately know.

How long did she live after the suspension? Two or three days; I saw her in the course of that time in fits, and when she had no fits on her.

Did you observe any thing upon her?—Yes, several wales; Pearson and Crews were upon deck.

How many men had you on board?—I cannot say, there might be twenty, more or less.

Can you say whether any body besides Pearson and Crews, the Captain and yourself, were there?—Yes, *the Doctor*.

MR. COMMON SERJEANT.

You left your ship in Calabar river?—Yes sir.

You joined the Recovery?—Yes.

You were third mate?—Yes.

You were dancing with the women?—So was the doctor.

Do you recollect any one else dancing with them?—I cannot recollect any other person dancing with the women.

You have told my Lord, that the Captain suspended her for the purpose of streightening the leg?—Yes.

This did not appear to be a punishment?—I don't know.

When you arrived at *Grenada*, some of you were punished?—Yes, some of them were taken before a *magistrate*.

This was known on board the ship?—Yes, every man *must* know it; I have heard it talked of, but I cannot say by whom.

Did you ever mention it to *any* body on board?—*Nobody* but *the Doctor*, I always spoke in favour of the Captain.

The Doctor never told you how he *cheated* the officer at the *Custom-House* by *kissing his thumb*?—No sir.

When did you and the Doctor *compare* your stories?—Never.

No! why you *swear exactly alike*: where was the Doctor when the girl went below?—I don't know.

When did you see her afterwards?—The next day I helped her upon deck; she had then fouled herself, and was washed in the necessary.

You

You don't know what occasioned her death?—I verily believe that punishment was the cause of her death; if it had not have been so, I think she would have gone to market.

Do you know that a number of the crew are here?—Yes, sir.

You never gave any information at Bristol?—*No, I did not*; and I spoke very delicately upon the subject before the magistrate.

Were you not sent for to town for the purpose of prosecuting this business?—I was sent for by the Committee for the *Abolition* of the *Slave Trade*.

Who took your examination in writing?—I went to Mr. *Phillips*, in *George-Yard*, he sent me to Mr. *Clarkson*; we had some conversation.

How often were you in company with Mr. *Phillips* and Mr. *Clarkson*?—I cannot say; I waited upon them to ask if they wanted me.

Had you any one seaman on board who knew of the transaction?—Yes, they all ought to know it; but I cannot say any of their names.

Was,

Was you not dismissed the Wasp for mutiny?—No, sir.

No sir!—I believe not.

Was there not a court martial of six captains held upon your conduct?—No sir, not that I know of.

When did the Wasp arrive at Bristol?—I believe in December.

Is it true that you did not know what the six captains were assembled for, and that you was not dismissed for mutiny?—Not till I went into the cabin.

What were you dismissed the ship for?—For giving the Captain the lie.

Was it, or was it not, for mutiny on board the Wasp?—No, sir, I never heard of being charged with mutiny.

Examined by Sir JOHN SCOTT.

Who kept the log-book?—The first-mate.

You came up to town for the express purpose of supplying information relative to firing on Callabar Town?—Certainly I did.

Did you enquire at Bristol, on your return from London, after the ship's crew?—I did.

What

What kind of enquiry did you make?—
Not *very particularly*.

WALTER JACKS, Esq. Sworn.

I am a Merchant of Bristol, I have known Captain Kimber five or six years; he has been in my employ four or five years. I am part owner of the *Recovery*; I was always satisfied with his services.

Do you know Thomas Dowling?—I know Thomas Dowling, he was surgeon of the ship, he came to me to demand the balance of his wages, which I paid him; he was allowed one privileged slave; the privileged slave is paid for in the country; the last time Dowling was with me, was when he received the balance of his wages; about the second of January, he returned me many thanks for my civility, and told me that Captain Kimber was a *rascal* and a cheat, and that he would ruin him if it was in his power; I am positively certain these were the words, I did not suppose that he meant to do so, till I heard he was taken into custody.

THOMAS

THOMAS LAUGHTER Sworn.

I live at Birmingham, I know Captain Kimber and Mr. Dowling; I have had frequent conversations with Dowling, he has said that he and his Captains had had frequent quarrels and altercations, in one of which he had struck the Captain, and had been *put in irons*; that he had been turned out of the cabin among the common men, and made to eat salt provisions; that the Captain had deceived him with respect to a privileged slave, which he had promised him when he engaged him for the voyage, and the Captain had behaved very ill to him, for which he was determined to be REVENGED; I am certain he made use of these words.

WILLIAM RIDDLE Sworn.

I was surgeon on board the Wasp; I have heard Dowling say, that he had been maltreated by Captain Kimber, and that he would *ruin* him if possible, and that he had a book, a memorandum, that he would present when he came home; I asked him to let me see his papers, but he would not shew them to me.

Was

Was it a sober conversation?—It was a sober and deliberate conversation. Captain Kimber sent for me to attend him and two of his men; I have given Dowling advice in the presence of his Captain.

Do you know Devereux?—I know Devereux; he was dismissed his ship for *MUTINY* and *MAL-CONDUCT*. Captain Kimber I believe took him on board *merely* out of *humanity*.

Mr. PIGOT—Question to Dowling.

Is what Mr. Jacks, Mr. Laughier, and Mr. Riddle said, true or false?—False.

Question by COURT.

Did you ever hold any such conversation with any of those three gentlemen, as has been described?—No, my Lord.

Captain THOMAS PHILLIPS Sworn.

I was Captain of the Thomas, and on the court martial, at the time Captain Kimber was; I know Devereux, he was turned out of his ship for *MUTINY*. I was summoned to
F attend

attend a meeting of Captains; Devereux was informed of the purpose of the meeting, and was present; he was made acquainted with the *charges* against him, and he *acknowledged them*; from what I knew of him, he certainly was a bad man. There was a great quantity of fruit on board Captain Kimber's ship; I told Dowling that ripe oranges and plantains produced laxes, and brought on death; I told him the consequence of using them. I have been in that trade twenty years. I have known Captain Kimber twenty-five years; he has borne the character of a *humane good tempered man*. Dowling never communicated the circumstance of the murder to me. Devereux was not ignorant of the charge, because he was present.

THOMAS LANCASTER Sworn.

I belonged to the Wasp; I know Devereux, he behaved very well at first going out in the Wasp, but latterly he was *mutinous*. I complained of his behaviour, there was a court martial held upon him, he was acquainted with it. He was deemed an *improper* person to remain in the ship, even in *irons*.

DEVE-

DEVEREUX.—It is as false as God is true.

FOREMAN OF THE JURY.

We are ALL satisfied, my Lord.

COURT.

As you are satisfied, gentlemen, I shall not sum up the evidence.

JURY.

We are PERFECTLY satisfied, my Lord.

There was another indictment against the prisoner for a similar offence, but the evidence being the same, he was immediately acquitted.

Upon the motion of Mr. Pigott, DOWLING and DEVEREUX were committed to take their trials for PERJURY.

F I N I S.

FORNAMENT THE

We are all landed, my Lord.

COURT.

As you are, I shall not



JURY.

We are perfectly landed, my Lord.

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being the same, he was immediately acquitted.

Upon the motion of Mr. Tigar, now in
and several were recommended to take their
trials for the Court.

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